

## **REMARKS**

Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

### **Status of the Claims**

Claims 1 and 4 have been amended.

No new matter has been added.

Claims 1-8 are pending.

### **Claim Rejections – 35 USC § 103(a)**

Claims 1-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0089532 to Cohen, et al. (“Cohen”), in view of U.S. Publication No. 2007/0038610 to Omoigui (“Omoigui”). Because neither Cohen nor Omoigui, alone or in combination, teach or suggest modifying the DOM of a webpage independent of a user interaction, the presently claimed invention is patentable.

Cohen describes a method for analyzing statistical data associated with a website and generating graphical reports depicting the activity related to the website. The Examiner concedes that Cohen does not teach modifying a DOM so that a graphic object is displayed overlaid partially on top of a visual presentation of the website, and attempts to cure this deficiency with Omoigui.

Omoigui describes an information retrieval, management, and delivery system. The system described by Omoigui includes features that are effected through DOM insertions. Specifically, the Examiner asserts that Omoigui’s “Smart Lens” discloses the above described feature of the presently claimed invention. The “Smart Lens” feature displays graphical information in a pop-up type balloon or window when an object is “lensed over” with a user’s mouse pointer. *See* Omoigui, ¶¶[0919], [0923], and [0987]. However, the “Smart Lens” feature must be expressly invoked and/or requested by the user. *See* Omoigui, ¶¶[0713] and [0719]. Further, the pop-up type balloon or window is only displayed after the user “lenses over” or hovers over an object with a mouse pointer. *See* Omoigui, ¶¶[00987] and [0994].

In contrast, amended method claims 1 and 4 include a step of “modifying the DOM of the web page independent of a user interaction by inserting the graphic object within a hierarchy of the DOM.” The combination of Cohen and Omoigui, to the extent proper, fails to teach or suggest modifying the DOM of a webpage independent of a user selection. Omoigui relies on a user to first invoke the Smart Lens feature, and subsequently to at least hover over an object in order to display a pop-up type balloon or window.

Claims 2, 3, and 8 depend from claim 1 and recite the features set forth therein. Claims 5-7 depend from claim 4 and recite the features set forth therein. Accordingly, for at least the reasons described above, claims 2, 3, and 5-8 are patentable over the combination of Cohen and Omoigui for at least the same reasons as their respective base claims.

Reconsideration and withdrawal of the rejection of claims 1-8 as being unpatentable is respectfully requested.

### **CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment. In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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